

Honorable August B. Landis
United States Bankruptcy Judge



Entered on Docket
December 24, 2014

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

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In re:

HAYDEE M. JORGE,

Debtor.

SUSHIL PRABAKARAN,

Plaintiff,

vs.

HAYDEE M. JORGE,

Defendant.

Case No. 14-10694-ABL

Chapter 7

Adv. Proc. No. 14-01080-ABL

Hearing Date: December 17, 2014
Hearing Time: 9:30 a.m.

**ORDER GRANTING DEFENDANT'S MOTION FOR SANCTIONS
AND DENYING PLAINTIFF'S COUNTERMOTION¹**

On December 17, 2014, the Court heard the matters of the Motion for Sanctions for Willful Violation of the Automatic Stay and for Attorneys Fees filed by Debtor-Defendant Haydee M. Jorge ("Motion") (ECF No. 44) and the Opposition to Motion for Sanctions for Willful Violation of the Automatic Stay and for Attorney's Fees and Countermotion for Attorney's Fees and Sanctions filed by Plaintiff Sushil Prabakaran ("Countermotion") (ECF No. 59). Appearances were made by attorney Calvin Y. Shin on behalf of Debtor and attorney

¹In this Order, all references to "ECF No." are to the numbers assigned to the documents filed in the case as they appear on the docket maintained by the Clerk of the Court.

1 Nadin J. Cutter on behalf of Plaintiff. At the conclusion of the December 17, 2014 hearing, the
2 Court ordered Debtor to file a statement of attorney fees and costs by December 23, 2014.
3 Debtor timely filed a Statement of Costs on December 23, 2014. ECF No. 63.

4 To the extent that the Court made findings of fact and conclusions of law on the record
5 at December 17, 2014 hearing, those findings of fact and conclusions of law are incorporated
6 into this Order by this reference pursuant to FED. R. CIV. P. 52(a)(1) and (2), made applicable to
7 this proceeding pursuant to FED. R. BANKR. P. 7052 and 9014(c).

8 Based upon the record before the Court, and for the reasons stated on the record at the
9 December 17, 2014 hearing,

10 **IT IS HEREBY ORDERED** that the Motion is **GRANTED**.

11 **IT IS FURTHER ORDERED** that Debtor is awarded actual damages of \$1.60 for the
12 “Pacer Recovery” disbursement reported on the Statement of Costs, ECF No. 63 at 6, for
13 Plaintiff’s willful violation of the automatic stay.

14 **IT IS FURTHER ORDERED** that the Countermotion is **DENIED**.

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16 Notice and copies sent through:

17 CM/ECF ELECTRONIC NOTICING AND/OR BNC MAILING MATRIX

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